



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

NORTHERN REGIONAL OFFICE

13901 Crown Court, Woodbridge, Virginia 22193

(703) 583-3800 Fax (703) 583-3821

www.deq.virginia.gov

Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

**STATE WATER CONTROL BOARD
ENFORCEMENT ACTION
AMENDMENT TO ORDER BY CONSENT
ISSUED TO
THE FAIRFAX COUNTY SCHOOL BOARD
FOR
THE GUNSTON ELEMENTARY SCHOOL
SEWAGE TREATMENT PLANT
VPDES Permit No. VA0023299**

SECTION A: Purpose

This is an Amendment of an Order by Consent (Amendment) issued under the authority of Va. Code § 62.1-44.15, between the State Water Control Board and Fairfax County School Board, regarding the Gunston Elementary School Sewage Treatment Plant, for the purpose of revising certain provisions of the Order by Consent (Order) issued by the Board to Fairfax County School Board on June 22, 2010 for the purpose of revision certain provisions of the Order and for the purpose of resolving certain violations of the State Water Control Law, the Permit and the Regulation.

SECTION B: Basis for Amendment

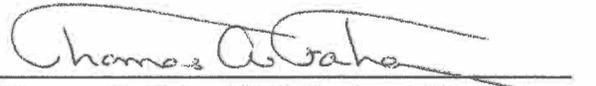
1. Fairfax County School Board ("School Board") owns the Gunston Elementary Sewage Treatment Plant ("STP") in Fairfax County, Virginia. The STP is operated by Environmental Systems Service, Limited (ESS). The Permit, which was issued on June 30, 2007 and expires on June 29, 2012, authorizes the School Board to discharge treated sewage from the Plant, to South Branch Massey Creek, located within the Potomac and Shenandoah River Basins, in strict compliance with the terms and conditions of the Permit.

2. On June 22, 2010, the School Board and DEQ entered into the Order to resolve violations of permit effluent limitations for Biochemical Oxygen Demand (BOD₅), Total Suspended Solids (TSS), Ammonia as N, and Total Residual Chlorine.
3. The Order required the School Board to (1) submit a plan for either the repair or modification of the existing STP and (2) complete the chosen option within 2 years of DEQ approval. In accordance with the Order, the School Board determined that the modification of the existing STP would be the best course of action. The Order detailed a schedule of compliance and set forth a timeline to complete the construction of the new treatment plant and to achieve compliance with Permit effluent limits. In accordance with the Order, the School Board completed Appendix Item Number 1 with the submittal of a plan and schedule for modification of the STP.
4. On January 27, 2012, the School Board submitted an electronic request for extension of the schedule set forth in Appendix A Item Number 2. The email included a request to extend the deadline to August 31, 2013. The reason given for the extension was because even though the School Board has worked diligently, the Fairfax County building permitting process has taken longer than expected and the deadline for the modification of the STP set forth in the Order cannot be met. The request stated that representatives of the School Board will continue to be proactive and the construction will be completed by August 31, 2013.
5. On March 12, 2012, the School Board on the DMR for the February 2012 monitoring period, reported violations of the maximum and average Permit effluent limits for concentration for Ammonia as N.
6. Va. Code § 62.1-44.5 states that: “[E]xcept in compliance with a certificate issued by the Board, it shall be unlawful for any person to discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances.”
7. The Regulation, at 9 VAC 25-31-50, also states that except in compliance with a VPDES permit, or another permit issued by the Board, it is unlawful to discharge into state waters sewage, industrial wastes or other wastes.
8. Va. Code § 62.1-44.15(5a) states that a VPDES permit is a “certificate” under the statute.
9. The South Branch Massey Creek is a surface water located wholly within the Commonwealth and is a “state water” under the State Water Control Law.
10. Based on the DMR submitted to DEQ, the Board concludes that the School Board has violated Parts I A(1) and C of the Permit, Va. Code § 62.1-44.5 and 9 VAC 25-31.50.A..
11. Based on the information available to DEQ to date, the School Board is otherwise in compliance with the Order and is current with all monitoring and reporting requirements.

SECTION C: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 62.1-44.15, the Board orders Fairfax County School Board, and Fairfax County School Board agrees to perform the actions described in Appendix A of this Amendment, which supersede and cancels only paragraphs 2 of Appendix A of the Order. Both the State Water Control Board and Fairfax County School Board understand and agree that this Amendment does not alter, modify or amend any other provision of the Order and that the unmodified provisions of the Order remain in effect by their own terms.

And it is so ORDERED this 25 day of June, 2012.


Thomas A. Faha, NRO Regional Director
Department of Environmental Quality

The Fairfax County School Board, Incorporated voluntarily agrees to the issuance of this Order.

Date: April 10, 2012 By: Mark G. LaCroix Engineer
(Person) (Title)
Fairfax County School Board

Commonwealth of Virginia

City/County of Fairfax

The foregoing document was signed and acknowledged before me this 10th day of April, 2012, by Mark G. LaCroix who is Environmental Engineer of the Fairfax County School Board, Incorporated on behalf of the School Board.

Yvette Phillips Rhodes
Notary Public
730 218 2
Registration No.

My commission expires: Sept. 30, 2013

Notary seal:



**APPENDIX A
SCHEDULE OF COMPLIANCE**

The School Board shall:

1. No later than August 31, 2013, complete the modification of the STP as described in the approved Plan submitted by the School Board and dated May 19, 2010.

Correspondence required by this Order, shall be submitted to:

Department of Environmental Quality
Northern Regional Office
13901 Crown Court
Woodbridge, VA 22193
Attn: Enforcement